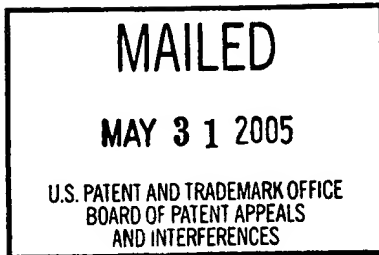


The opinion in support of the decision being entered
today was not written for publication and
is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MASAHARU TOMIYAMA, SETSUYA UCHINO,
KENJIRO NAKAHARA and KEN EGAWA



Appeal No. 2005-0156
Application No. 09/816,348

HEARD: May 18, 2005

Before PATE, McQUADE and BAHR, Administrative Patent Judges.
McQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Masaharu Tomiyama et al. appeal from the final rejection
(mailed August 21, 2002) of claims 1 through 4 and 6 through 11,
all of the claims pending in the application.

THE INVENTION

The invention relates to a motor for an air conditioning blower fan. Representative claim 1 reads as follows:

1. A motor for driving a blower fan comprising:

a cylindrical case body having a front end opening portion and a rear end opening portion;

a rear end plate fixed on the rear end opening portion of the case body, the rear end plate having a first bearing;

a front end plate fixed on the front end opening portion of the case body, the front end plate having a second bearing;

a rotary drive shaft inserted into the central portion of the case body, the rotary drive shaft whose rear end portion is rotatably supported on the rear end plate through the first bearing and whose forward middle portion is rotatably supported on the front end plate through the second bearing;

a rotor fixed on the middle portion of the rotary drive shaft;

a stator fixed on the inner circumferential surface of the case body to face to the outer circumferential surface of the rotor; and

a reinforcing portion provided in the vicinity of an end portion of the stator,

wherein the reinforcing portion includes a ring portion and a cylinder portion extending from an outer peripheral edge of the ring portion.

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THE REJECTION

Claims 1 through 4 and 6 through 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,576,588 to Moribayashi et al. (Moribayashi).

Attention is directed to the brief (filed April 15, 2003) and answer (mailed July 16, 2003) for the respective positions of the appellants and examiner regarding the merits of this rejection.

DISCUSSION

I. The examiner's rejection

Anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). It is not necessary that the reference teach what the subject application teaches, but only that the claim read on something disclosed in the reference, i.e., that all of the limitations in the claim be found in or fully met by the reference. Kalman v. Kimberly Clark Corp., 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984).

Moribayashi pertains to electric motors that utilize permanent magnets as field magnetic poles. The explanation of the rejection in the answer focuses on Moribayashi's Figure 19 which shows the elementary components of one such motor and Figures 28 through 33 which show alternative subassemblies for mounting the permanent magnets.

Figure 19 illustrates a motor comprising a housing or yoke 16, a front bracket 17 and center bracket 37 affixed to one end of the yoke, a rear bracket 34 affixed to the other end of the yoke, an armature shaft 26 mounted for rotation in bearings (see the drawing figure) on the center and rear brackets, an iron core 27 disposed about the shaft and permanent magnets 18 affixed to the inner surface of the yoke in opposed relationship to the iron core. The center bracket includes protrusions 37a and the yoke includes punched out portions 19 which respectively contact the opposite end faces of the permanent magnets to retain them in place on the inner surface of the yoke.

Figures 28 through 31 depict a yoke 41, a plurality of permanent magnets 42 installed on the inner surface of the yoke, a bent portion 43 on the rear end 41a of the yoke provided with punched-out portions 43a corresponding to the widths of the

permanent magnets 42 and a holder plate 45 detachably fixed to the front end 41b of the yoke comprising bent spring portions 45a for pressing the permanent magnets in the axial direction, spacers 45b for positioning the permanent magnets in the circumferential direction and tabs containing holes 45c for connection to the yoke. When the holder plate 45 is press-fitted to the yoke 41 by insertion in the direction of arrow 46 in FIG. 28, the bent portion 43 of the yoke and the bent spring portions 45a of the holder plate 45 fix the magnets in the axial direction and the spacers 45b on the holder plate 45 and the punched out portions 43a on the bent portion 43 of the yoke fix the magnets in the circumferential direction.

Figures 32 and 33 portray yoke-magnet embodiments wherein the punched-out portions 43a on the bent portion 43 of the yoke 41 are eliminated (Figure 32) and the bent portion 43 of the yoke 41 is formed of spaced channels for engaging the sides and ends of the magnets.

As framed and argued by the appellants, the dispositive issue with respect to the rejection of independent claims 1 and 11 is whether Moribayashi meets the limitations therein relating to the "reinforcing portion." As indicated above, claim 1

requires "a reinforcing portion provided in the vicinity of an end portion of the stator, wherein the reinforcing portion includes a ring portion and a cylinder portion extending from an outer peripheral edge of the ring portion." Claim 11 requires

a reinforcing portion provided in the vicinity of an end portion of the stator, wherein the reinforcing portion includes bent portions that are formed by end portions of the case body that are bent toward an inside thereof, intermittently around an inner circumferential surface thereof, wherein said bent portions have a U-shape, and the stator is fixed at a portion of the inner circumferential surface of the case body which corresponds to a base portion of the U-shape.

The examiner's determination (see pages 4, 6 and 7 in the answer) that Moribayashi's holder plate 45 meets the reinforcing portion limitations in claim 1 is well founded. The holder plate 45, which is in the vicinity of an end portion of Moribayashi's stator (magnets 42), includes a ring portion in the form of its annular base which is perpendicular to the longitudinal axis of the yoke 41 and a cylinder portion in the form of its bent spring portions 45a, spacers 45b and tabs containing holes 45c which extend from the outer peripheral edge of the ring portion. The appellants' argument that elements 45a, 45b and 45c fail to respond to the recitation of the cylinder portion because "the cylinder portion of the present invention is clearly continuous"

(brief, page 4) is unpersuasive because claim 1 does not actually call for the cylinder portion to be continuous. Collectively, the holder plate elements 45a, 45b and 45c define a "cylindrical portion" to the extent broadly recited in claim 1. Moreover, it is arguable that each of the portions of the holder plate 45 carrying the spacers 45b constitutes such a "cylindrical portion."

The examiner's related determination (see pages 6 and 8 in the answer) that Moribayashi's bent portion 43 as shown in Figure 33 meets reinforcing portion limitations in claim 11 also is well founded.¹ As clearly shown in the drawing figure, the bent portion 43, which is provided in the vicinity of an end portion of the stator (magnets 42), includes bent portions that are formed by end portions of the case body (yoke 41) and bent toward an inside thereof intermittently around an inner circumferential surface, wherein the bent portions have a U-shape and the stator is fixed at a portion of the inner circumferential surface of the case body which corresponds to a base portion of the U-shape.

¹ In contrast, the examiner's findings that Moribayashi's punched out portions 19 (Figure 19) and holder plate 45 meet the reinforcing portion limitations in claim 11 is unsound. Neither the punched out portions 19 nor the holder plate 45 are formed by end portions of the case body (yoke 16), and the punched out portions 19 do not have a U-shape from any reasonable perspective.

Accordingly, we shall sustain the standing 35 U.S.C. § 102(b) rejection of independent claims 1 and 11 as being anticipated by Moribayashi.

We also shall sustain the standing 35 U.S.C. § 102(b) rejection of dependent claims 3, 4, 6, 8 and 9 as being anticipated by Moribayashi since the appellants have not challenged such with any reasonable specificity, thereby allowing these claims to stand or fall with parent claim 1 (see In re Nielson, 816 F.2d 1567, 1572, 2 USPQ2d 1525, 1528 (Fed. Cir. 1987))

We shall not sustain, however, the standing 35 U.S.C. § 102(b) rejection of claims 2, 7 and 10, each of which depends from claim 1.

Claim 2 defines the reinforcing portion as being integrally formed with the case body. Claim 7 requires that before the ring portion is fixed, the outer circumferential surface of the cylinder portion has a conic surface inclined in a direction such that a diameter increases as a distance from the ring portion increases. Claim 10 recites that the ring portion is disposed between the cylinder portion and the stator. Suffice to say that Moribayashi does not disclose any structure, including holder plate 45, which meets these claim limitations.

II. Matter for further consideration

Upon return of the application to the technology center, the examiner should consider whether claims 2 and 11 should be rejected under 35 U.S.C. § 112, first paragraph, as being based on a specification which fails to comply with the written description requirement.

The test for compliance with the written description requirement of 35 U.S.C. § 112, first paragraph, is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the appellants had possession at that time of the later claimed subject matter, rather than the presence or absence of literal support in the specification for the claim language. In re Kaslow, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983).

A review of the originally filed disclosure in the instant application shows no apparent written descriptive support for a reinforcing portion having the characteristics now specified in parent claim 1² which is integrally formed with the case body as recited in claim 2, or for a reinforcing portion having the

² Claim 1 was amended subsequent to the first Office action in a paper filed on June 27, 2002.

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characteristics set forth in claim 11.³

SUMMARY

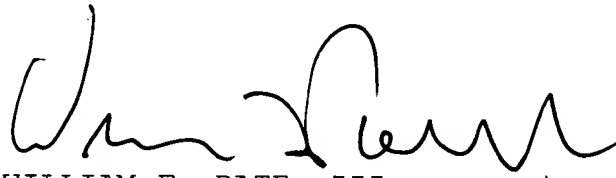
The decision of the examiner to reject claims 1 through 4 and 6 through 11 is affirmed with respect to claims 1, 3, 4, 6, 8, 9 and 11, and reversed with respect to claims 2, 7 and 10.

³ Claim 11 was added to the application in the paper filed on June 27, 2002. The reinforcing portion limitations in this claim, which are reproduced above, differ significantly from the part of the original disclosure which ostensibly corresponds thereto, i.e., pages 22 and 23 in the specification and Figures 12 and 13 in the drawings.

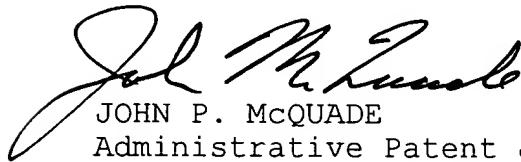
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No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a)(1)(iv).

AFFIRMED-IN-PART



WILLIAM F. PATE, III)
Administrative Patent Judge)



JOHN P. McQUADE)
Administrative Patent Judge)



JENNIFER D. BAHR)
Administrative Patent Judge)

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